

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LINDA WREN,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
CO.,

Defendant.

No. C 08-3361 PJH

**ORDER GRANTING MOTION
TO DISMISS**

The motion of defendant Metropolitan Life Insurance Company for an order dismissing the first and second causes of action for failure to state a claim came on for hearing before this court on October 29, 2008. Plaintiff Linda Wren appeared by her counsel Richard Johnston, and defendant appeared by its counsel Michael A.S. Newman. Having read the parties' papers and carefully considered their arguments and the relevant legal authority, and good cause appearing, the court hereby GRANTS the motion for the reasons stated at the hearing.

The dismissal is WITH LEAVE TO AMEND. The amended complaint shall be filed no later than November 12, 2008. No later than two weeks thereafter, defendant shall advise the court in writing whether it intends to file a motion for summary judgment. If not, an answer or a second motion to dismiss shall be filed within 20 days of the filing of the amended complaint.

1 The date for the initial case management conference, previously set for Thursday,
2 November 13, 2008, is VACATED. The court will reschedule the case management
3 conference after defendant has advised the court regarding its anticipated response to the
4 amended complaint.

5
6 **IT IS SO ORDERED.**

7 Dated: October 30, 2008



PHYLLIS J. HAMILTON
United States District Judge